



DT19 Rec'd PPTO 07 OCT 2002 3761

3700

Atty. Dkt. No. 050251-0131

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Looper et al.  
Title: SURGICAL DEVICE WITH  
MALLEABLE SHAFT  
Appl. No.: 09/785,374  
Filing Date: 16 February 2001  
Examiner: Mital B. Patel  
Art Unit: 3761

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.  <u>JORIE JOHNSON</u> (Printed Name)  <u>Jorie Johnson</u> (Signature)  <u>2 October 2002</u> (Date of Deposit)
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AMENDMENT TRANSMITTAL

Commissioner for Patents  
Box Non-Fee Amendment  
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Sir:

Transmitted herewith is the Amendment of the above-identified application is response to the Office Action dated 2 July 2002.

- [ ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- [ ] Small Entity statement is enclosed.
- [X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	21	—	52	=	0	x	\$18.00	=	\$0.00
Independents:	2	—	8	=	0	x	\$80.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$270.00	=	\$0.00
CLAIMS FEE TOTAL:									\$0.00

- [ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$390.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$890.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,390.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,890.00	\$0.00
EXTENSION FEE TOTAL:			\$0.00
CLAIMS AND EXTENSION FEE TOTAL:			\$0.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:			\$0.00

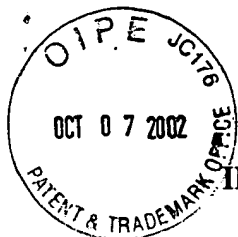
- ☐ Please charge Deposit Account No. 06-1450 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 20 Oct 2002  
**FOLEY & LARDNER**  
 One IBM Plaza, Suite 3300  
 330 North Wabash  
 Chicago, Illinois 60611-3608  
 Telephone: 312.755.2610  
 Facsimile: 312.755.1925

By   
 Paul E. Schaafsma  
 Attorney for Applicant  
 Registration No. 32,664



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JORIE JOHNSON  
(Printed Name)

Jorie Johnson  
(Signature)

2 October 2002  
(Date of Deposit)

#10C  
ADWES  
11/5/02

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TECHNOLOGY CENTER R3700

Commissioner for Patents  
Box Non-Fee Amendment  
Washington, D.C. 20231

Sir:

Responsive to the Office Action mailed 2 July 2002, please amend the application as follows:

In the Claims:

Please amend the following claims:

1. (Three Times Amended) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube adapted to be coupled to the handle assembly, the distal end of the first tube adapted to be coupled to the tissue engaging means, the actuating means adapted to extend axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a